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OCT 20 2003

IN THE UNITED STATES DISTRICT COURT
OF APPEALS For THE SIXTH
Circuit Court

Dennis Pointer

VS.

Sgt. Lyon et. al.,

Civil Case No. C-1-02-486

Judge, Beckwith,

M. J. Sherman,

Motion for Permission To Appeal
IN forma Pauperis :

Now comes Appellant Dennis
Pointer moving this honorable
Court to Grant Appellant Per-
mission To Appeal IN forma
Pauperis.

I. Appellant claims an entitlement
to redress Pursuant To U.S.C.A.
Section 1915

an order Prohibiting Petitioner
from filing any further review
is a violation of Petitioners
access to the Court Rights
under the U.S. Constitution

U.S. DISTRICT COURT
SOUTHERN DISTRICT OHIO
WEST DIV CINCINNATI

03 OCT 21 AM 9:00

FILED
KENNETH J. MURPHY
CLERK

Prison inmate appealing dismissal
 of Pro-se civil rights com-
 plaint would be granted leave
 to appeal where he alleged Depriv-
 ations of liberty AND property
 which, upon further investigation
 AND development, could raise subst-
 antial issues (Reynoldson v. Shilling-
er, C.A. 10 (Wyo.) 1990. 907 F.2d
 124) District court's preclusive
 order requiring full payment of
 necessary filing fee AND cash
 security deposit of \$100.00 before
 clerk would file any further papers
 submitted by particular prisoner
 litigant violated provisions of
 of section 1915 governing pro-
 ceedings in forma pauperis AND
 unduly impair prisoners constitution-
 al right of access to the courts,
 (IN RE: Green, 1981, 669 F.2d 779,
 215 U.S. APP. D.C. 393) Carter v. U.S.,
 C.A. 10 (Colo.) 1984, 733, F.2d 735,
 certiorari denied 105 S.Ct. 915,
 469 U.S. 1161, 83 L.Ed. 2d 928)

STATEMENT of THE issues THAT THE
PARTY INTENDS TO PRESENT ON appeal

I. Was APPEALANT Deprived of his
Property

II. Was APPEALANT Deprived of his
Liberty

III. Was District court Properly
Authorized To Appoint a Magistrate
Judge To ~~THE~~ CONDUCT Proceed-
ings WITH-out The consent
of APPELLANT

IV. Did STATE have a Personal
INTEREST IN representing The
Defendant

V. IS STATE Bound By The
on Regulations That IS PUT
INTO effect By The STATE
for INMATES To follow THAT
IS Designed To Protect There
Property, Liberty, AND Health
AND Basic EDUCATION.

Dennis Pomte
APPELLANT - Pro-SE

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Of Appeals
Southern District of Ohio
Western Division

03-4303

EDWARD GREEN, Clerk

Plaintiff,

Dennis Pointer

v.

Sergeant Lyons, et al.,

Defendant(s).

AFFIDAVIT OF PRISONER

Case Number: C-1-02-486

I, Dennis Pointer

declare that I am the

✓ plaintiff/petitioner

_____ movant (filing 28 U.S.C. § 2255 motion)

_____ respondent/defendant

_____ other

in the above-entitled proceeding. I am requesting to proceed without being required to prepay the entire filing fee. In support of my request, I state that because of my poverty, I am unable to prepay the entire filing fee or give security therefor.

In further support of this request, I answer the following questions.

1. Are you presently employed?

✓ yes _____ no

a. If the answer is "yes" state the amount of your salary or wages per month.
\$ 16.00

b. If the answer is "no" state the date of last employment and the amount of the salary and wages per month which you received.

2. Do you have a work, program or status assignment, or other circumstance which causes you to be paid by the agency which has custody of you?

See #1 "16.00 Mo."

If the answer is "yes" state the amount paid or credited to you each month.

3. Have you received, within the past twelve months, any money from any of the following sources?

a. Business, profession or other form of self-employment?

yes ☒ no

b. Rent payments, interest or dividends?

yes ☒ no

c. Pensions, annuities or life insurance payments?

yes ☒ no

d. Gifts or inheritances?

yes ☒ no

e. Any other sources?

yes ☒ no

If you answered "yes" to any of the above questions, describe each source of money and state the amount received from each during the past twelve months.

4. Do you own any cash, or do you have money in checking or savings accounts?

yes ☒ no

If the answer is "yes" state the total value of the items owned?

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9-8-03
Date

Dennis P. Poirer
Signature of Applicant

FURTHER, I understand that:

- : Regardless of the outcome of my action, I am liable for the full fee. For example, even if the action is dismissed without service of process, the court will continue to collect installment payments from my account until the entire filing fee is paid. I further understand that I will continue to be liable for the full amount of the fee even after I am released from incarceration.

I have read the forgoing information, and I understand that if I submit this Application, the court will assess and, when funds exist, collect the full fee in the manner set forth above. I further understand that no money should be sent with this Application.

Print your name Dennis Pointer

Dennis Pointer #280-895
Signature and Prisoner #

9-28-03
Date

**TO BE COMPLETED BY AUTHORIZED OFFICER OF INSTITUTION (PL SE
ATTACH LEGIBLE CERTIFIED COPY OF INMATE'S PRISONER ACCOUNT
STATEMENT FOR THE PREVIOUS SIX MONTH PERIOD):**

I certify that the attached is a true and accurate copy of the inmate's prisoner account statement.

Authorized Officer of Institution